



KEN PRUITT
President of the Senate

THE FLORIDA LEGISLATURE

OFFICE OF LEGISLATIVE SERVICES



MARCO RUBIO
Speaker of the House of Representatives

March 12, 2007

Michael E. Batts
Batts, Morrison, Wales & Lee, P.A.
1000 Legion Place, Suite 701
Orlando, Florida 32801

Re: Lobbyist Registration Informal Opinion No. 07-01

Dear Mr. Batts:

This is in response to your inquiry that states, in pertinent part:

I am a Certified Public Accountant and president of . . . a Florida CPA firm serving nonprofit organizations. Over the years, I have determined that certain provisions of the Florida Statutes are, in my opinion, inadequate to address certain needs of Florida's nonprofit organizations. Accordingly, I have decided, for the benefit of the Florida nonprofit community as a whole, to pursue changes to the Florida Statutes by interacting with members of the Florida Legislature with respect to specific proposed legislation. In carrying out this activity, I will not be representing any specific entities and I will not be compensated for carrying out this activity. My firm will pay the incidental costs, such as my travel costs, for this activity.

It is my understanding that the Florida Statutes and the related rules of the Florida Legislature do not require me to register as a lobbyist, and that they do not require my firm to report as a lobbying firm under these circumstances.

The answer to your inquiry turns on whether or not you will meet the definition of "lobbyist" set out in Section 11.045(1)(h), *Florida Statutes*, and Section 1.1(2)(f), Joint Rule One, *Joint Rules of the Florida Legislature* (2006). Both the statute and the rule provide in part that:

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"Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

(Emphasis added.) The Joint Rule further defines payment as:

"Payment" or "salary" means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

Section 1.1(2)(g), Joint Rule One, *Joint Rules of the Florida Legislature* (2006). With these definitions in mind, I conclude that you may conduct the activities stated in your letter without being required to register to lobby. This conclusion rests on the fact that you will not receive anything of monetary value under any circumstances, directly or indirectly, for the purpose of lobbying.

The second part of your inquiry turns on whether your firm will meet the definition of a "lobbying firm". Lobbying firms are required by Section 11.045(3) to file compensation reports.

"Lobbying firm" means any business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

Section 11.045(1)(g), *Florida Statutes*, and Section 1.1(2)(e), Joint Rule One, *Joint Rules of the Florida Legislature* (2006). Under the facts you have presented, your firm would not be considered a lobbying firm.

Please do not hesitate to inquire again if the above opinion does not adequately answer your question.

Sincerely,

Christiana T. Moore
General Counsel

CTM:me

cc: Honorable Ken Pruitt, Senate President
Honorable Marco Rubio, House Speaker
Honorable Jim King, Jr., Chair, Senate Rules Committee
Honorable David Rivera, Chair, House Rules and Calendar